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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219616
Party	Defendant Bank, Daryl
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Submission	Other Motions/Papers
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Date	04/18/2016
Attachments	Joint Notice Of District Court Determination.pdf(30696 bytes) Exhibit 1 D22 Order.pdf(89320 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PRUDENTIAL INSURANCE COMPANY
OF AMERICA

Plaintiff-Opposer,

vs.

DARYL BANK

Defendant-Applicant

Opposition No. 91219616
Serial No. 86184144

JOINT NOTICE OF DISTRICT COURT DETERMINATION

DARYL BANK, the Applicant of Serial No. 86184144, and PRUDENTIAL INSURANCE COMPANY OF AMERICA, Opposer, hereby provide the following Joint Notice regarding the District Court's determination of Opposer's Motion for Sanctions.

The Board's Feb. 24, 2016 Order (docket entry 15 at the Trademark Trial and Appeal Board) states as follows: "within **TWENTY DAYS** after the District Court's determination of Opposer's motion for sanctions, the parties shall so notify the Board so that this proceeding may be called up for appropriate action. Such notification to the Board should include a copy of the District Court's order."

On Mar. 30, 2016, the U.S. District Court for the Southern District of Florida issued an Order (attached as Exhibit 1) adopting the Report and Recommendation on Plaintiff's Motion for Extension of Time and Motion to Enforce Subpoena and for Sanctions (attached as Exhibit A to docket entry 16 at the Trademark Trial and Appeal Board). The aforesaid Order (Exhibit 1) denies the Plaintiff's Motion for Extension of Time to File Motion to Enforce Subpoenas and Motion for Sanctions and denies Plaintiff's Motion to Enforce Subpoenas and for Sanctions.

Respectfully submitted,

/Mark Terry

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ATTORNEYS FOR OPPOSER

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case Number: 16-14021-MC-MARTINEZ-LYNCH

PRUDENTIAL INSURANCE COMPANY OF
AMERICA,

Plaintiff,

vs.

DARYL BANK,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE LYNCH'S REPORT AND
RECOMMENDATION ON PLAINTIFF'S MOTION FOR EXTENSION OF TIME AND
MOTION TO ENFORCE SUBPOENA AND FOR SANCTIONS AND CLOSING CASE**

THE MATTER was referred to the Honorable Frank J. Lynch, Jr., United States Magistrate Judge, to take all necessary and proper action as required by law with respect to all matters relating to Plaintiff's Motion for Extension of Time to File Motion to Enforce Subpoena and Motion for Sanctions [ECF No. 1]. Magistrate Judge Lynch issued a Report and Recommendation, recommending that Plaintiff's Motion for Extension of Time to File Motion to Enforce Subpoena and Motion for Sanctions, and subsequent Motion to Enforce Subpoenas and for Sanctions be denied. [ECF No. 14]. The Court has reviewed the entire file and record and has conducted a *de novo* review of the Objections, Response to the Objections, and Reply filed. After careful consideration, the Court affirms and adopts the Report and Recommendation. Accordingly, it is hereby:


ADJUDGED that United States Magistrate Judge Lynch's Report and Recommendation [ECF No. 14] is **AFFIRMED** and **ADOPTED**. Accordingly, it is:

ADJUDGED that

1. Plaintiff's Motion for Extension of Time to File Motion to Enforce Subpoena and Motion for Sanctions [ECF No. 1] and Motion to Enforce Subpoenas and for Sanctions [ECF No. 8] are **DENIED**.

2. This case is **CLOSED**, and any pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30 day of March, 2016.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Lynch
All Counsel of Record